



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Appln. of: SUNIL PALAKODATI et al.
Appln. No.: 10/041,094
Filed: December 28, 2001
For: ELECTRIC POWER ASSIST
STEERING SYSTEM WITH
ROLLER GEARBOX

Examiner: Tony Winner
Art Unit: 3611

Attorney Docket No: 10541-183

Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

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APR 14 2004

GROUP 3600

PETITION UNDER 37 C.F.R. 1.181(a)

REQUESTING WITHDRAWAL OF THE HOLDING OF ABANDONMENT

Applicant herein petitions the Director for withdrawal of the examiner's holding of abandonment on the basis that the application is in fact not abandoned. This Petition is being timely submitted within two months of the mailing date of the Notice of Abandonment.

Supporting Facts

In the Notice of Abandonment (Attachment A) dated February 10, 2004, the present application was indicated as being abandoned for failure to timely reply to the Office Action mailed on June 27, 2003. The Notice of Abandonment indicated that no reply was received by the Office.

However, a review of the undersigned's application file indicates that a proper reply to the Office Action was timely submitted via facsimile. The shortened statutory period for response fell due on September 27, 2003, a Saturday. On Monday, September 29, 2003, the response was filed and received by the U.S. Patent and Trademark Office ("Office") at 12:59 p.m. PST.

BRINKS
HOFER
GILSON
& LIONE

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610

In support of the above, Attachment B to this petition is a complete copy of the "Reply Under 37 C.F.R. §1.111" ("Reply"), including its attachments, as previously submitted on September 29, 2003. That Reply included as its attachments a Declaration Under 37 C.F.R. §1.132 duly signed by one of the inventors.

The Reply was transmitted by Dr. Schein (formerly of this firm) to facsimile number (703) 872-9325, as directed by the group secretary, since the number (703) 308-2571 provided by Examiner Winner would not accept the transmission. A copy of the receipt of successful facsimile transmission is attached hereto as Attachment C. A copy of email correspondence with Examiner Winner regarding the sending of the Reply is provided herewith as Attachment D.

Fees

Since this is a petition to the Director under 37 C.F.R. 1.181(a), no fee is required. However, the Commissioner/Director is hereby authorized to charge any fee deficiency associated with the filing of this Petition to the deposit account as indicated in the Transmittal accompanying this Petition.

Conclusion

In view of the above, it is respectfully submitted that there has been no abandonment in fact and that the Notice of Abandonment was issued in error. The Notice of Abandonment should therefore be withdrawn. Such action is respectfully requested.

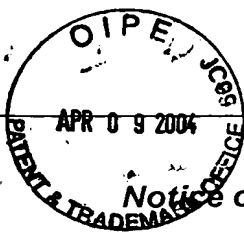
If there are any questions regarding this matter, please contact the undersigned attorney at (734) 302-6038.

April 7, 2004

Date

Respectfully submitted,


Eric J. Sosenko (Reg. No. 34,440)
Attorney for Applicants



ATTACHMENT A

SL

Notice of Abandonment	Application No.	Applicant(s)	
	10/041,094	PALAKODATI ET AL.	
	Examiner	Art Unit	
	Tony H. Winner	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 June 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

TONY WINNER
PATENT EXAMINER

2/7/04

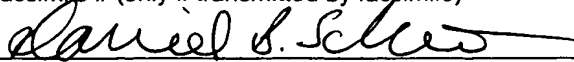
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

CERTIFICATE OF MAILING OR TRANSMISSION

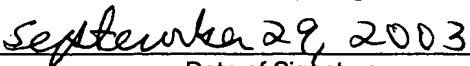
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, or sent via facsimile to the facsimile number indicated below if one is indicated, on the date indicated below:

703-872-9325

Facsimile # (only if transmitted by facsimile)



Daniel B. Schein, Ph.D., Esq., Reg. No. 33,551



Date of Signature



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GROUP 3600

Our Case No. 10541-183

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In re Application of:

Sunil PALAKODATI et al.

Serial No.: 10/041,094

Filing Date: December 28, 2001

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Examiner: Tony Winner

Group Art Unit No.: 3611

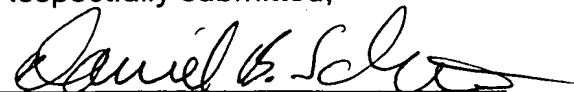
Mail Stop Non-Fee Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, CA 22313-1450

TRANSMITTAL LETTER

Attached hereto are:

1. An 8 page Reply Under 37 C.F.R. §1.111; and
2. A 3 page Declaration Under 37 C.F.R. §1.132.

Respectfully submitted,



Daniel B. Schein, Reg. No. 33,551
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610

Tel: 408-971-0627
Fax: 408-971-0627

* * * COMMUNICATION RESULT REPORT (SEP.29.2003 12:59PM) * * *

TTI 4089710941

FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
4 MEMORY TX		17038729325	OK	P. 12/12

REASON FOR ERROR

E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

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703-872-9325

Facsimile # (only if transmitted by facsimile)

Daniel B. Schein
Daniel B. Schein, Ph.D., Esq., Reg. No. 33,551*September 29, 2003*
Date of SignatureOur Case No. 10541-183

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sunil PALAKODATI et al.

Serial No.: 10/041,094

Filing Date: December 28, 2001

Mail Stop Non-Fee Amendment
Commissioner For Patents

Examiner: Tony Winner

Group Art Unit No.: 3611

Sincerely, ↓

Anthony H. Winner
Patent Examiner
703-306-5957

Schein, Dan

From: Schein, Dan
Sent: Monday, September 29, 2003 1:01 PM
To: 'Winner, Tony'
Subject: RE: 10/041094

Examiner Winner:

Thank you very much for responding to my request. Fax number 703-308-2571 would not accept the fax, so we sent it to 703-872-9325. We were advised by the group secretary that this was a good fax number to use for submitting amendments.

Could you please confirm when the amendment is forwarded to you.

Sincerely,

Dan Schein

-----Original Message-----

From: Winner, Tony [mailto:Tony.Winner@USPTO.GOV]
Sent: Saturday, September 27, 2003 8:33 AM
To: Schein, Dan
Subject: RE: 10/041094

Dr. Schein,

In reply to your phone message on 9/26/03, please send the amendment to this fax number (703)308-2571.

Examiner Winner -
Patent & Trademark Office
(703) 306-5957
9/27/03

-----Original Message-----

From: dschein@brinkssanjose.com [mailto:dschein@brinkssanjose.com]
Sent: Tuesday, March 11, 2003 2:57 PM
To: Tony.Winner@USPTO.GOV
Subject: RE: 10/041094

Examiner Winner:

Thank you very much for the update.

Best regards,

Dan Schein

-----Original Message-----

From: Tony.Winner@USPTO.GOV [mailto:Tony.Winner@USPTO.GOV]
Sent: Tuesday, March 11, 2003 11:54 AM
To: dschein@brinkshofer.com
Subject: 10/041094

Dr. Schein,

I have received your documentation and in the process of reviewing it. Please allow a couple of days before I can get back to you.